



United States Department of State

Washington, D.C. 20520

JUN 17 2014

Case Number: F-2014-07548

Theodore J. Folkman
Murphy & King
One Beacon Street
Boston, MA 02108

Dear Mr. Folkman:

This is in response to your Freedom of Information Act (FOIA) request, dated April 25, 2014, concerning third party/submitter notice communications and records. Specifically, this letter addresses your appeal of our denial of a waiver of fees and expeditious processing which was dated May 15, 2014.

We have considered your request for a fee waiver. A waiver or reduction of fees may be appropriate when the disclosure of records is in the public interest because the disclosure is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the interest of the requester. Further, the requester must demonstrate that he/she has expertise in the subject matter as well as the ability to disseminate the information contained in the documents. *See* 22 C.F.R. § 171.17.

Based upon the information that you have provided, it does not appear that your request meets these criteria. Regrettably, I must advise that you have not provided adequate justification for a fee waiver, and I must uphold the decision to deny a fee waiver.

Additionally, we have considered your appeal of the denial of expeditious processing. Our published regulations regarding expedition, 22 C.F.R. § 171.12(b), require a specific showing of a compelling need. **Expeditious processing is granted only in the following situations:**

- (1) Imminent threat to the life or physical safety of an individual;
- (2) Urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged

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Federal Government activity and the information is urgently needed in that a particular value of the information would be lost if not disseminated quickly;

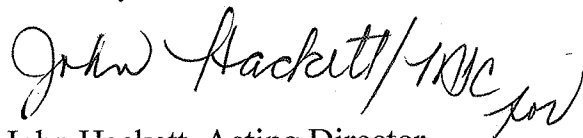
- (3) Substantial humanitarian reasons; or
- (4) Loss of substantial due process rights.

Your request and appeal do not meet the established criteria. Regrettably, I must advise that you have not provided adequate justification for expedition and I must uphold the decision to deny expeditious processing. Please be assured that the Department takes its FOIA responsibilities very seriously and we are processing this request in as timely a manner as possible. All appropriate offices have been advised of your interest in this matter.

You also requested to be placed in "News Media" instead of the "All Other" requester category. Your basis for this request is because you publish information to a blog. A blog is generally considered a personal site and is used to post a topic to solicit public opinion. Therefore, based upon the information you provided, it does not appear that your request nor appeal meet the criteria to warrant a change of your requester category from "All Other" to "News Media." You have not demonstrated an ability to disseminate the information to the public at large.

For further communications, please note our contact information at the bottom of this page. You may also refer to our website for general information and guidelines. We can provide faster service if you include your request case number **F-2014-07548** in your communications with us.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Hackett", followed by a stylized flourish or set of initials.

John Hackett, Acting Director
Office of Information Programs
and Services